

1st Sub. H.B. 369

AUTO DEALERSHIP LICENSE AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 6, 2018 11:25 AM

Senator **Curtis S. Bramble** proposes the following amendments:

1. Page 3, Line 79 through Page 4, Line 89:

79 (10) "Direct-sale manufacturer" means a person ~~{that}~~ ;
80 (a) that is both a manufacturer and a dealer;
81 (b) that, in this state, sells, displays for sale, or offers for sale or exchange only new motor
82 vehicles of the person's own line-make that are:
83 (i) exclusively propelled through the use of electricity, a hydrogen fuel cell, or another
84 non-fossil fuel source;
85 (ii) (A) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less;
86 or
87 (B) trucks with a gross vehicle weight rating of 14,000 pounds or less; and
88 (iii) manufactured ~~{in the United States; and}~~ by the person;
89 (c) that is not a franchise holder ~~{-}~~ ;
(d) that is domiciled in the United States; and
(e) whose chief officers direct, control, and coordinate the person's activities as a direct-sale
manufacturer from a physical location in the United States.

2. Page 6, Line 169 through Page 7, Line 183:

169 [(23)] (29) (a) "Principal place of business" means {, except as provided in Subsection
170 (29)(b),} a site or location in this state:
171 [(a)] (i) devoted exclusively to the business for which the dealer, manufacturer,
172 remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses
173 incidental to them;
174 [(b)] (ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely
175 indicate the boundary and to admit a definite description with space adequate to permit the
176 display of three or more new, or new and used, or used motor vehicles and sufficient parking
177 for the public; and
178 [(c)] (iii) that includes a permanent enclosed building or structure large enough to
179 accommodate the office of the establishment and to provide a safe place to keep the books and
180 other records of the business, at which the principal portion of the business is conducted and
181 the books and records kept and maintained.
182 (b) "Principal place of business" means, with respect to a direct-sale manufacturer, the
183 direct-sale manufacturer's showroom , which shall comply with the requirements of Subsection (29)(a) .

3. *Page 7, Lines 194 through 196:*

194 (33) "Showroom" means a site or location in the state that a direct-sale manufacturer
195 uses ~~{exclusively}~~ for the direct-sale manufacturer's business, including the display and
 demonstration of new motor vehicles that are exclusively of the same
196 line-make that the direct-sale manufacturer manufactures.

4. *Page 9, Lines 245 through 248:*

245 (5) Notwithstanding any provision of this chapter to the contrary, a direct-sale
246 manufacturer:
247 (a) may sell, display for ~~{sell}~~ sale , or offer for sale or exchange a motor vehicle described in
248 Subsection 41-3-102(10)(b) without a franchise; and